

DENTAL BOARD[650]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Dental Board hereby gives Notice of Intended Action to amend Chapter 11, “Licensure to Practice Dentistry or Dental Hygiene,” Chapter 13, “Special Licenses,” Chapter 25, “Continuing Education,” and Chapter 27, “Standards of Practice and Principles of Professional Ethics,” Iowa Administrative Code.

Item 1 of the amendments specifies that applications are considered active for 180 days after receipt. An applicant who does not provide all requested materials or who does not meet the requirements for a license, permit, registration, or reinstatement within 180 days must submit a new application and fee.

Items 2 through 6 require applicants for licensure or for a faculty permit to submit the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

Item 7 of the amendments requires applicants for a faculty permit to successfully complete the jurisprudence examination administered by the Board.

Item 8 of the amendments eliminates the requirement that Board sponsors submit attendance records for continuing education courses. Continuing education providers must provide proof of attendance to course attendees and make records available at the request of the Board.

Item 9 of the amendments clarifies that an applicant for reinstatement of an inactive license must provide proof of current CPR certification to place the license on active status.

Item 10 of the amendments clarifies acceptable billing practices for a dentist.

Items 11 and 12 of the amendments clarify that it is considered unethical and unprofessional conduct to prohibit a patient from filing a complaint with the Board or cooperating with a Board investigation and to enter into an agreement in which a patient agrees not to file a complaint with the Board.

These amendments are subject to waiver at the sole discretion of the Board in accordance with 650—Chapter 7. However, rules in 650—Chapter 27 are not subject to waiver pursuant to 650—27.12(17A,147,153,272C).

Any interested person may make written comments or suggestions on the proposed amendments on or before July 6, 2010. Such written comments should be directed to Jennifer Hart, Executive Officer, Iowa Dental Board, 400 SW 8th Street, Suite D, Des Moines, Iowa 50309-4687. E-mail may be sent to Jennifer.Hart@iowa.gov.

Also, there will be a public hearing on July 6, 2010, beginning at 10 a.m. in the Board Conference Room, 400 SW 8th Street, Suite D, Des Moines, Iowa. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. Any person who plans to attend the public hearing and who may have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

These amendments were approved at the April 6, 2010, regular meeting of the Iowa Dental Board.

These amendments are intended to implement Iowa Code sections 153.33 and 153.34.

The following amendments are proposed.

ITEM 1. Amend rule 650—11.1(147,153) as follows:

650—11.1(147,153) Applicant responsibilities. An applicant for dental or dental hygiene licensure bears full responsibility for each of the following:

1. and 2. No change.

3. Submitting complete application materials. An application for a license, permit, or registration or reinstatement of a license or registration will be considered active for 180 days from the date the application is received. If the applicant does not submit all materials, including a completed fingerprint packet, within this time period, or if the applicant does not meet the requirements for the license, permit, registration or reinstatement, the application shall be considered incomplete. An applicant whose application is filed incomplete must submit a new application and application fee.

ITEM 2. Amend paragraph **11.2(2)“f”** as follows:

f. A statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

ITEM 3. Amend paragraph **11.3(2)“g”** as follows:

g. A statement disclosing and explaining any disciplinary actions, investigations, malpractice claims, complaints, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

ITEM 4. Amend paragraph **11.5(2)“i”** as follows:

i. A statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

ITEM 5. Amend paragraph **11.6(2)“g”** as follows:

g. A statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

ITEM 6. Amend paragraph **13.2(2)“e”** as follows:

e. A statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

ITEM 7. Adopt the following **new** paragraph **13.2(2)“j”**:

j. Evidence of successful completion of the jurisprudence examination administered by the Iowa dental board.

ITEM 8. Amend subrule 25.4(3) as follows:

25.4(3) ~~The person or organization sponsoring continuing education activities shall make a written record of the Iowa licensees or registrants in attendance and send a signed copy of such attendance record to the board office upon completion of the activity, but in no case later than July 1 of even-numbered years, maintain the written record for a minimum of five years, and submit the record upon the request of the board. The report shall be sent to the Iowa Board of Dental Examiners, 400 S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687. The sponsor of the continuing education activity shall also provide proof of attendance and the number of credit hours awarded to the licensee or registrant who participates in the continuing education activity.~~

ITEM 9. Adopt the following **new** paragraph **25.9(2)“e”**:

e. Evidence that the applicant possesses a current certificate in a nationally recognized course in cardiopulmonary resuscitation. The course must include a clinical component.

ITEM 10. Adopt the following **new** subrules 27.7(8) and 27.7(9):

27.7(8) A dentist shall not bill or collect money for services not rendered.

27.7(9) A dentist shall not bill or draw on a patient’s line of credit prior to services being rendered.

ITEM 11. Adopt the following **new** subrule 27.9(5):
27.9(5) Prohibiting a person from filing or interfering with a person's filing a complaint with the board is considered unethical and unprofessional conduct.

ITEM 12. Adopt the following **new** subrule 27.9(6):
27.9(6) A licensee shall not enter into any agreement with a patient that states the patient will not file a complaint with the board.